

REMARKS

Amendments

Claims 1-17 are amended to use language in accordance with conventional US practice, delete superfluous language, and correct claim dependencies. New claims 18-23 are directed to preferences previously recited in claims 3, 8, 9, 11, and 16.

Election

In response to Restriction based on the assertion of lack of unity, applicants' hereby elect Group I, claims 1-11 (and new claims 18-22). In response to the request for election of a single species for search purposes, applicants hereby elect the following compound of formula (I): $2\alpha\text{-}[(\text{difluoro-3,4,5-trifluorophenoxy})\text{methyl}]\text{-}6\beta\text{-propyl}\text{-}(4\alpha\alpha, 8\alpha\beta)\text{-decahydronaphthalene}$. See example 3. However, the Restriction is respectfully traversed.

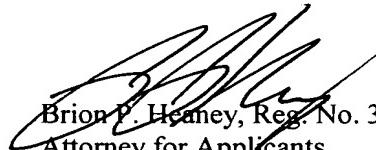
In the Restriction, the Examiner is apparently asserting that there is no "corresponding special technical feature" for Groups I and II, pursuant to PCT Rule 13.2. Applicants disagree. Groups I and II share the special technical feature of preparing compounds of Formula I by way of a reaction between a carboxylic acid derivative and a phenol. For example, the carboxylic acid derivative can be a carboxylic acid or salt thereof. See, e.g., page 8, line 29-page 9, line 5. The carboxylic acid salt can, in particular, be a bis(alkylthio)carbenium salt as recited in claim 8 (a claim of Group I) and claim 12 (the main claim of Group II). See, e.g., page 9, line 31-page 10, line 10 and page 10, line 29-page 11, line 15.

Thus, contrary to the assertion in the Restriction, the claims of Groups I and II are both part of a single inventive concept. With regards to the Examiner's comments concerning 37 CFR 1.475(b), (c), and (e), all of the claims are drawn to a single process as set forth in the generic claim 1.

For the reasons discussed above, withdrawal of the Restriction is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Brion P. Heaney, Reg. No. 32,542
Attorney for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Telephone: 703-243-6333
Facsimile: 703-243-6410
Attorney Docket No.:MERCK-3034

Date: June 13, 2006